



04-17-06

ifu

Via Express Mail No.: EV 765 980 221 US Mailing Date: April 14, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Shaw, Amanda Marie
Joffre B. Baker)	Art Unit: 1634
Application Serial No. 10/714,195)	Attorney's Docket No. 39740-0005A
Filed: November 14, 2003)	Customer No. 25213
For: GENE EXPRESSION PROFILING)	
OF EGFR POSITIVE CANCER)	
)	
)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

MAIL STOP AMENDMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication except U.S. patents and patent application publications (1276 OG 55), is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Form Supplemental PTO-1449 is enclosed and the Examiner is requested to initial and return it in accordance with MPEP §609. These references were cited in a Supplementary Search Report for EP 03786796.7, pgs. 1-3, January 5, 2006 (copy enclosed).

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

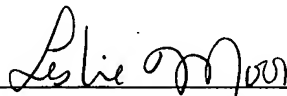
C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39740-0005A).**

Respectfully submitted,

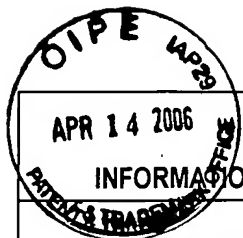
Dated: April 14, 2006

By: _____


Leslie Mooi (Reg. No. 37,047)

HELLER EHRMAN LLP (Customer No. 25213)
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: (650) 324-7000 /Facsimile: (650) 324-0638

SV 2188825 v1



Form PTO-1449		Attorney's Docket No. 39740-0005A		Application Serial No. 10/714,195				
INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)		Applicant(s) ANDREW SAXON et al.		Filing Date: November 14, 2003				
				Group Art Unit: 1634				
U.S. PATENT DOCUMENTS								
Examiner Initials	Ref. No.	Date	Document No.	Name	Filing Date (if appropriate)			
FOREIGN PATENT DOCUMENTS								
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	1.	06/06/2002	WO 02/44413 A2	PCT	C12Q	1/68		
	2.	09/06/2002	WO 02/068579 A2	PCT	C12G			
	3.	09/25/2003	WO 03/078662 A1	PCT	C12Q	1/68		
	4.	12/31/2003	WO 04/000094 A2	PCT	A61B			
OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.)								
Examiner Initials	Ref. No.	Title						
	5.	Arteaga, C.L, Journal of Clinical Oncology, Vol. 19:(18), Suppl. (2001).						
	6.	Bishop, P.C. et al., Oncogene, 21: 119-127 (2002).						
	7.	Busse, D. et al., The Journal of Biological Chemistry, 275:(10) 6987-6995 (2000).						
	8.	Specht, K. et al., American Journal of Phathology, 158:2 (2001).						

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).	
SV 218825 v1	